

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET
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CIRCULAR NO. A-19
Revised

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Reports and recommendations on proposed and pending legislation

1. Purpose. This revision of Circular No. A-19, which replaces the revision dated June 14, 1954, provides procedures for coordination and clearance of legislative proposals originating within the executive branch and of agency reports on pending legislation. Such coordination and clearance are undertaken by the Bureau of the Budget at the President's direction in order that the President may have the views of the agencies and that his position may be determined and expressed for their guidance and for the information of the Congress. When appropriate, the clearance process is used to develop, for presentation to the Congress, a coordinated report or legislative proposal which meets the requirements of all interested agencies. For this purpose, the Bureau (a) obtains the views of agencies concerned; (b) ascertains the relationship of the proposal or bill to the President's program; (c) advises the agencies of that relationship; and (d) provides for transmittal by the appropriate agency of such advice to the Congress or the committee or Member concerned.

This revision serves to bring section 7 of the Circular in conformance with Public Law 801, 84th Congress.

2. Definitions. The following definitions shall apply for purposes of this Circular:

Agency: "Departments and establishments" as defined in Circular No. A-1 of August 7, 1952.

Report: Any written proposal for legislation and any written expression of official views on proposed or pending legislation prepared by any agency (a) for transmittal to the Bureau or to the Congress, (b) for presentation as testimony before a congressional committee, and (c) for inclusion in any annual or special report for transmittal to the Congress or release to the public. This does not include (a) justification for annual and supplemental or deficiency appropriations, (b) technical assistance in drafting legislation at the request of a Member or committee of Congress, provided no commitment is made respecting the position of the agency or the President, or (c) proposals for reorganization plans, which will be governed by special instructions in accordance with the needs of each case.

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Advice: Information transmitted to an agency by the Bureau concerning the relationship of particular legislation to the program of the President.

3. Transmittal of agency reports. Each agency shall transmit to the Bureau, before submittal to any committee, Member, or officer of either House of Congress, at least four copies of each report on public bills and at least two copies of each report on private relief bills with a request for advice as to the relationship of the legislation to the program of the President. Where it is believed that coordination may require wide distribution to other agencies, the submitting agency should consult in advance with the Bureau and arrange for preparation and transmittal of the necessary copies of all material to be circulated. These requirements do not apply if the legislation and the agency's report on it have previously been the subject of Bureau advice and the views expressed in the subsequent report are unchanged, or if an agency is reporting on a bill which is identical in substance with a bill on which prior advice has been given. However, in both instances, reports shall include reference to prior advice received, and the required copies shall be transmitted to the Bureau at the same time that the report is submitted to the Congress. Advice on the relationship of legislation to the President's program applies to all sessions of each Congress but does not carry over from one Congress to the next.

4. Interstate compacts. Reports on bills consenting to the negotiation of interstate compacts or approving such compacts after ratification by the States concerned shall be subject to coordination and clearance in accordance with this Circular in the same manner as other public bills. In addition, whenever any person appointed by the President or an official or agency of the executive branch is charged by consent legislation, or in any other manner, with assisting the States in the negotiation of an interstate compact, such person, official, or agency shall transmit to the Bureau four copies of the proposed compact and of any appropriate report of negotiation proceedings at the time the compact is signed by the negotiators and prior to its submittal to the States for ratification.

5. Timing of agency reports. Agency reports shall be submitted to the Bureau in sufficient time to permit action by the Bureau to be completed prior to the date when it is necessary to submit the reports to the Congress. At least two weeks is required on minor matters and at least one month on major matters, particularly those proposals or reports which affect or are of concern to more than two agencies.

It is of utmost importance that agencies refrain from making commitments to forward reports to Congress, particularly drafts of legislation, on a time schedule which does not permit orderly coordination and clearance. It is of equal importance that, where agencies have been given a congressional time schedule to meet, the agency schedule its own time so that it can complete its report for presentation to the Bureau well in advance of the congressional time table.

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Relationship to Presidential recommendations. Presidential recommendations for legislation may be found in messages, statements, instructions or other documents. A legislative proposal designed to carry out a Presidential recommendation shall be accompanied by a statement identifying the recommendation and indicating the degree to which the proposed legislation will carry it out. This statement may be included either in the agency's letter of transmittal to the Bureau or in its report.

7. Submittal of personnel and cost information. Each report shall include estimates of the probable cost or savings attributable to the legislative proposal over each year of the first five-year period of its operation, or for each year of the whole period of its operation if the legislation is intended to be effective for less than five years. If such information on costs or savings is not provided, its omission and the reason therefor shall be stated in the report.

Under Public Law 801, 84th Congress, the following additional information is required for each of the first five years on legislation entailing the annual expenditure of appropriated funds in excess of \$1 million:

"(A) the estimated maximum additional --

"(i) man-years of civilian employment, by general categories of positions,

"(ii) expenditures for personal services, and

"(iii) expenditures for all purposes other than personal services,"

8. Interagency consultation. In the preparation of reports, each agency is encouraged to consult with other agencies concerned in order that all interests and points of view may be considered in the formulation of the agency's position. In cases of overlapping jurisdiction every effort should be made to reach interagency agreement prior to transmittal to the Bureau of those reports which are in the form of proposed bills. Interdepartmental committees and other formalized arrangements for interagency collaboration will frequently constitute an effective method for reaching a common understanding, thereby reducing the time required for clearance of reports by the Bureau. However, in order that the President may have the individual views of the responsible heads of the agencies, reports shall be transmitted to the Bureau by the agencies concerned.

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In cases involving urgent time schedules or important areas of inter-agency interest, the Bureau also may arrange interagency conferences or request agency participation in special working groups.

Interdepartmental consultation frequently can be effected through the use of established agency channels. To this end, the Bureau will furnish the agencies, from time to time, lists of the respective agency officials designated to handle the coordination of legislative matters.

9. Bureau action on agency reports. Upon receipt of an agency report, the Bureau will obtain the views of other agencies concerned. It will consult with the President, when appropriate, and will undertake such staff work for him as may be necessary, in cooperation with other Presidential staff. In order to avoid delays in clearance, agencies are expected to reply to Bureau requests for views within the time limits which may be specified.

When coordination and consideration of agency reports have been completed, the Bureau will advise the appropriate agencies, either formally in writing or informally by telephone, regarding the relationship of the legislation to the President's program. In transmitting advice, the Bureau will indicate any considerations raised by other agencies which the Bureau believes the reporting agency should or may wish to take into account before submitting its report to the Congress.

10. Agency action on receipt of advice. In order to avoid ambiguity and to prevent misunderstanding of the President's position, the advice received from the Bureau shall be fully stated to the Congress in agency reports and oral testimony. Receipt of advice contrary to the views expressed by any agency in a report on an introduced bill does not require an agency to modify its views. In such cases the only requirement is that indicated in the first sentence of this paragraph. However, where the report is a proposal for legislation, the originating agency will submit to the Congress, on its initiative and with its endorsement, only those proposals which have been coordinated within the executive branch in accordance with the provisions of this Circular and which the agency has been advised do not conflict with the President's program.

11. Agency action in the absence of prior clearance. When congressional time schedules will not permit an agency to ascertain in advance the relationship of the legislation to the program of the President, the agency shall so state and shall indicate that its report does not constitute a commitment respecting the President's program. In such cases, copies of the report will be transmitted to the Bureau at the same time that it is submitted to the Congress. Thereafter, when appropriate, the Bureau will advise the agency on the relationship of the legislation to the President's program. The agency will promptly transmit this advice to the Congress.

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When no written report is prepared, and an agency's views are to be expressed in oral testimony, the Bureau, upon request, will undertake such coordination and give such advice as circumstances permit.

When an agency performs drafting service for a committee or Member of Congress, a copy of the proposed bill and letter of transmittal will be furnished to the Bureau.

12. Reporting of urgency factors. Agencies should specify in their letters of transmittal to the Bureau any information concerning congressional schedules and requirements which bears upon the urgency of the report.

By direction of the President:

PERCIVAL F. BRUNDAGE
Director

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